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7 Attorneys for Defendant

8 **BRIAN EVERETT**

9  
10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION  
13

14 \* \* \* \* \*

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 vs.

18 WINSLOW NORTON, et. al.,

19 Defendants.

) CASE NO.: CR 07-0683-DLJ

) **STIPULATION AND ORDER**

) **CONTINUING MOTION HEARING DATE**

20  
21 IT IS HEREBY STIPULATED between the United States of America, through its  
22 attorneys of record, Thomas O'Connell, and David Callaway, Assistant U.S. Attorneys; and, the  
23 defendants, through their attorneys, J. Tony Serra and Ean Vizzi for Defendant Brian Everett,  
24 Doron Weinberg for Defendant Winslow Norton, Stuart Hanlon for Defendant Abraham Norton,  
25 and William Osterhoudt for Defendant Michael Norton, that the Hearing on Defendant's Motions  
26 set for April 4, 2013 be continued to June 6, 2013 at 10:00 a.m. The briefing schedule previously  
agreed to shall be replaced by the following briefing schedule:

Government's Response shall be filed no later than May 9, 2013

Defendants' Reply brief shall be filed no later than May 23, 2013

1 The parties report that they are currently undertaking renewed settlement negotiations in  
2 this matter and require additional time to pursue those ends prior to the litigation of the pending  
3 motions.

4 The parties have previously agreed to a Speedy Trial Act exclusion through April 4, 2013.  
5 The parties request and agree that exclusion of additional time under the Speedy Trial Act is  
6 appropriate in order to allow adequate preparation of counsel to work towards negotiation and  
7 settlement of this matter, to prepare for trial in the event settlement discussions fail to bear fruit,  
8 and to ensure continuity of defense counsel. The parties therefore stipulate and agree that the  
9 time from the date of this stipulation, through and including June 6, 2013, shall be excluded from  
10 computation of time within which the trial of this case must be commenced under the Speedy  
11 Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

12 It is so stipulated.

13 Dated: January 31, 2013

MELINDA HAAG  
UNITED STATES ATTORNEY

15 /s/ Thomas O'Connell.  
By: THOMAS O'CONNELL  
Assistant U.S. Attorney  
\*signed with permission

18 Dated: January 31, 2013

/s/ Doron Weinberg.  
DORON WEINBERG  
Attorney for Defendant  
WINSLOW NORTON  
\*signed with permission

21 Dated: January 31, 2013

/s/ Stuart Hanlon.  
STUART HANLON  
Attorney for Defendant  
ABRAHAM NORTON  
\*signed with permission

1  
2 Dated: January 31, 2013

\_\_\_\_\_/s/ William Osterhoudt\_\_\_\_\_  
WILLIAM OSTERHOUDT  
Attorney for Defendant  
MICHAEL NORTON  
\*signed with permission

3  
4  
5 Dated: January 31, 2013

\_\_\_\_\_/s/ Ean Vizzi\_\_\_\_\_  
EAN VIZZI  
J. TONY SERRA  
Attorneys for Defendant  
BRIAN EVERETT

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9 ORDER []

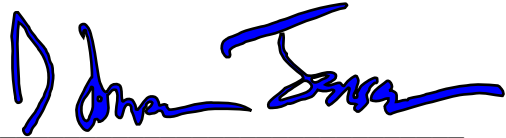
10 Based on the stipulation of the parties, and good cause appearing therefore, IT IS  
11 HEREBY ORDERED that the motions hearing date previously scheduled for April 4, 2013, is  
12 continued to June 6, 2013 at 10:00 a.m. The briefing schedule previously agreed to shall be  
13 replaced by the following schedule:

14 Government's Response shall be filed no later than May 9, 2013

15 Defendant's Reply brief shall be filed no later than May 23, 2013

16 IT IS HEREBY FURTHER ORDERED that time under the Speedy Trial Clock is  
17 excluded from the date of this Order through and including the hearing date of June 6, 2013,  
18 pursuant to 18 U.S.C. §3161(h)(7)(A) and (B)(iv). The basis for the time exclusion is set forth in  
19 the stipulation of the parties, which the Court hereby adopts. The Court finds that the failure to  
20 grant a continuance in this case would deny defense counsel reasonable time necessary for  
21 effective preparation, taking into account the exercise of due diligence, as well as denying the  
22 defendants continuity of counsel. The Court finds that the ends of justice served by the granting  
of such continuance outweigh the interests of the public and the parties in an earlier trial.

23 Dated: GF GFH

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25 THE HONORABLE. D. LOWELL JENSEN  
UNITED STATES DISTRICT JUDGE